

NOV 15 2013**Clerk, U.S. District Court
District Of Montana
Missoula**

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

LACI CONWAY McVEY,

Petitioner,

vs.

MONTANA WOMEN'S PRISON,

Respondent.

CV 13-175-M-DWM-JCL

ORDER

Laci McVey is a state prisoner proceeding pro se. On August 19, 2013, this Court received a letter from McVey containing allegations that might be construed as claims for relief. The letter was filed as writ of habeas corpus under 28 U.S.C. § 2254. McVey was ordered to clarify whether she intended to proceed in federal court with a habeas petition on or before September 13, 2013. She did not respond. Magistrate Judge Jeremiah Lynch recommends dismissing the petition without prejudice. (Doc. 3.)

McVey has not filed objections to Judge Lynch's Findings and Recommendation. The Court reviews the findings and recommendations that are

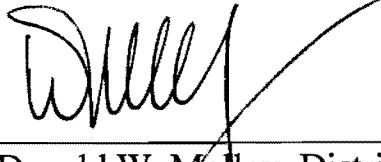
not specifically objected to for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no clear error with Judge Lynch's determination that McVey does not wish to proceed at this time.

IT IS ORDERED that the Findings and Recommendation (Doc. 3) is ADOPTED IN FULL. Laci McVey's petition for writ of habeas corpus (Doc. 1) is DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that the Clerk of Court is directed to enter by separate document a judgment of dismissal.

IT IS FURTHER ORDERED that a certificate of appealability is DENIED.

Dated this 15 day of November, 2013.


Donald W. Molloy, District Judge

United States District Court